

MYSORE LEGISLATIVE ASSEMBLY

TWENTY-SEVENTH DAY.

Saturday, 9th April 1960.

The House met in the Assembly Hall, Vidhana Sabha, Bangalore, at Thirty Minutes past Eight of the Clock.

MR. SPEAKER (SRI S. R. KANTHI, B.A., LL.B.) in the Chair.

Non-Official Business

BANGALORE CITY TENANTS' PROTECTION BILL, 1959.

Motion to consider,

Sri J. B. MALLARADHYA (Nanjangud).—Mr. Speaker, Sir, I beg to move :

“That the Bangalore City Tenants' Protection Bill, 1959, be taken into consideration.”

MR. SPEAKER.—Motion moved :

“That the Bangalore City Tenants' Protection Bill, 1959, be taken into consideration.”

Sri J. B. MALLARADHYA.—Mr. Speaker, Sir, during the recent years, there has been a plethora of legislative enactments all over the country.....

Sri KADIDAL MANJAPPA (Minister for Revenue).—And you are adding one more !

*Sri J. B. MALLARADHYA.—Adding a very useful one. Particularly, after the reorganisation of the States, there is no end to legislative enactments and

Mysore is no exception to the general rule. Sir, I deem it a privilege to have been given this opportunity of moving the first non-official Bill after the reorganisation of the new Mysore State. It is indeed a matter of gratification that it should have reached the stage of consideration. I am saying this because more than six months ago, I sent another Bill to the Speaker and I do not know what has happened with regard to that Bill. I was told by the Speaker's office that it has to obtain the sanction of the President. I am not sure whether the Mysore Government has even recommended for the leave to be given.

MR. SPEAKER.—That is not like that. The President has been informed of this matter and as soon as the President's sanction is received, we shall take it up.

Sri J. B. MALLARADHYA.—Sir, in the last three days we have witnessed a very unhappy sight in this House, that when the House was discussing various important resolutions affecting vitally the interest of the State, “substantial” number of the Opposition Members were not present. Whatever may be the reasons and whoever is responsible for this state of affairs,

*Asterisk indicates that the remarks or speeches have not been revised by the member concerned.

(SRI J. B. MALLARADHYA)

I express the hope that the consideration of this Non-Official Bill will relieve that monotony and this Bill would be discussed in an atmosphere of good-will and in a spirit of understanding. I also hope that this Bill will have a happy ending with a practical approach from the other side.

Now, Sir, coming to the Bill, it may be conceded that it is a very simple measure and a non-controversial one and I trust that it would be accepted by all sections of the House irrespective of political considerations. When the Bill becomes law and is placed on the statute-book it would not be a precedent because an identical piece of legislation exists in many States of India. I have not been able to get copies of the Acts of the various States. I was able to get the Madras Act and that Legislature passed the Bill as far back as 1921. It was later amended in 1926 and there was another amendment in the year 1955. Sir, the purpose of the Bill is obvious and it is also clear that it is very limited in its scope. It is restricted in its operation to Bangalore City. I wish to bring to the notice of this Hon'ble House that the operation of this Act in the Madras State extends not only to the City of Madras but also to the Municipal Town and areas round about 5 miles of important towns. So far as Mysore is concerned, I consider that it is sufficient for the present to restrict its operation to Bangalore City because the problem in Bangalore City is acute and after sufficient experience is gained, we may extend it to the Municipal Towns. Sir, the Bill is intended to protect the tenants without detriment to the interest of the landlord.

Whereas in the Land Reforms Bill there is a feeling that one is discriminated against the other, so far as this Bill is concerned, the protection of the tenants is given or is intended to be extended without detriment to the interests of the landlord. This Bill purports or resolve possible conflicts that exist between the tenant and the landlord and is intended to apply only to such cases where for example

a tenant has been occupying land for quite a number of years or has put up a building and if the landlord has allowed it to continue, they come to certain agreement; no section, no provision is intended to apply to such cases. The Bill is applied only to recalcitrant landlords who would be unwilling to come to certain settlement of the dispute with a view to harassing the poor tenants who are in a helpless condition. Years back, the tenant would have taken a piece of land on the condition perhaps that he would give a fair rent and after some time with or without the permission of the landlord he would have put up a building.....

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—Does it intend to replace the Slum Clearance Enactment also?

Sri J. B. MALLARADHYA.—No; that is not the intention. At present, the Bill seeks to work out equities as between the tenant and the landlord.

Sri T. SUBRAMANYA.—Section 3: "Notwithstanding any decree or order of a court, any provision of law in force....."

Sri J. B. MALLARADHYA.—That is the very wording of the Madras and Bombay Acts, which has been incorporated. There have been a number of decided cases in the High Court of Madras with regard to this particular matter. Objection was taken at some stage with regard to the provision of the word "Notwithstanding" and the High Court have given a ruling that that provision does not conflict with any legal requirements.

As I said, the Bill seeks to work out equities in the most beneficial manner in case of disagreement between the landlord and the tenant. The chief merit of this Bill is that whereas the tenant who has taken risk, suppose he has put up a building costing Rs. 10 or 15 or 20 thousand with or without the permission of the landlord.....

Sri T. SUBRAMANYA.—And unauthorisedly.

Sri J. B. MALLARADHYA.—It is very clear. Even when there is no conflict and the landlord has waited quite a long time without taking steps to prevent the construction of that building, even at the stage when the construction commenced or progressed. The landlord's interests are not adversely affected because the Bill seeks to make provision for allowing the landlord to sell the land for a reasonable price at the prevailing market rate and also to sell the building at a reasonable price and if the suit for ejectment is not likely to succeed, he can seek the permission of the Court to fix a fair rent with regard to the existing conditions. That is how we consider that that is one of the chief merits of the Bill.

Sri T. SUBRAMANYA.—Suppose the land is required for the development of Bangalore.

Sri J. B. MALLARADHYA.—The Government have got enormous powers. Because nowhere is there any provision made for Government land. Government have got powers under the Land Acquisition Regulations to acquire the land.

Sri T. SUBRAMANYA.—So also the Trust Board.

Sri J. B. MALLARADHYA.—Yes. This Bill is only intended to protect the tenants. There are hundreds and thousands of cases in Bangalore City alone.

Sri T. SUBRAMANYA.—As against the landlords.

Sri J. B. MALLARADHYA.—Here is one unusual measure which seeks to protect the tenant without detriment to the interests of the landlord. That is the point. What is it that the landlord will lose? If he wants to sell the site, the Court can fix a suitable price having regard to the present market rate. If he wants to purchase the land it is open to him to do so. Suppose his suit for ejectment fails. The Court always fixes a reasonable rent. It is intended to protect the interests of the poor tenants. The Minister for Law has an apprehension that this works against the interests of the landlord. I consider that this Bill is

likely to secure a harmonious relationship between the tenant and the landlord because the interests of neither party are affected adversely. As I said, if you kindly see the Statement of Objects and Reasons I have clearly stated:

“In many parts of the City of Bangalore buildings have from time to time been erected by tenants on lands belonging to others, in the full expectation that subject to payment of a fair ground-rent they would be left in undisturbed possession.....”

The mistake is on both sides. I am not considering who is at fault. After ten years if they want to have a pound of flesh, a set of unscrupulous and uncompromising landlords would say “You did not obtain my permission”. The tenant has been giving the fair rent fixed and all of a sudden the landlord takes it into his head to see that the tenant is evicted without paying him the compensation. A poor man who has put up a hut costing Rs. 150-200, if he is allowed to be ejected without any compensation, that is a case of harassment. The Bill seeks to remedy the existing defect. If the tenants are not protected, I know personally hundreds of people will be ruined, if adequate protection is not given to them. Somehow or other there is a wave of landlords trying to victimise poor tenants during the recent months. In hundreds of cases the position of tenants has become very precarious. I therefore consider that this Bill is a very urgent measure which the House should go through.

In regard to the Bill itself, there are a few verbal alterations; I consider them to be printing mistakes and I need not go into the details. There are three or four mistakes. On page 1 in the Preamble it is said ‘revision of the said land’. It ought to be ‘reversion of the said lands’. On page 2, section 3: “A tenant who is entitled to compensation.....” The word ‘who’ is unnecessary. In Section 4: “In a suit for ejectment against the tenant.....” It should be ‘If in

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a suit for ejectment against the tenant....." On page 3 section 7 : "Any landlord or tenant may apply as petition to the court". The wording should be "Any landlord or tenant may apply by a petition to the court.....". The words 'by a petition' should be substituted for the words 'as petition'. Similarly there are one or two more clerical errors. I hope the Secretary will see that these errors are rectified.

Coming to the Bill itself, so far as the text of the Act itself is concerned, one of my friends pointed out that the preamble and the text read together are likely to lead to some kind of misconception. The text of the Act should not be read subject to the preamble so as to restrict the operation of the provisions of the Act to the tenants, especially when they constructed buildings in the hope that they would not be evicted. It must apply to all cases of people who have put up structures on lands taken by the landlords, whether they expected that they would be allowed to be continued in the possession of the tenants on payment of fair rent or not; that is the point. So far as section 1 (b) is concerned, it is obvious that it is very necessary, that this Bill has got to have retrospective effect if it is intended to secure any protection to the tenants.

Coming to the definitions, so far as the building is concerned, the protection which is sought to be given under this Bill is not confined only to dwelling houses. Suppose there is a business house. It should also apply to business houses where in a large number of cases poor people have put up fuel depots in motor sheds or ordinary buildings on the ground that it is not a dwelling house, the Bill should not operate as a difficulty and it should apply to dwelling houses and to business houses also.

Then coming to the definition of 'tenant' it includes three categories of cases. One category of tenants is a person who is a direct tenant and is liable to pay rent for the land. The second category of tenants is a person deriving title

from the direct tenant and the third category includes persons who continue in possession after the termination of the tenancy. The expression "every other person deriving title from him" in the definition refers to persons like auction-purchaser. There are cases of persons deriving title from a person who was not in possession and liable to pay rent and as such are not considered as tenants. It is very difficult for them to take advantage of the protection and so that category also has been included in the definition of 'tenant'.

There are also cases where a person who has been a tenant has agreed to become a licensee just to satisfy the municipal law, but at a later date his position as a licensee is sought to be made use of by the landlord to evict him affecting his interests. This Bill seeks to give protection to such a person also.

Then, coming to clause 7, it is a very important clause. The clause says that "any landlord or tenant may apply or petition to the court having jurisdiction to entertain a suit for ejectment, to fix a reasonable rent for the occupation of the land by the tenant and thereupon the court shall by its order fix such rent as it deems reasonable". There is a misapprehension in the minds of some of the landlords that this clause may be used against them and they may be deprived of the legitimate amount of money due to them for any particular purpose, but I would like to make it clear that the court which is called upon to fix a reasonable rent is entitled to take into consideration the fact that the original rent was fixed several years ago and that even though the value of the properties round about has increased, there has not been any increase in the rent. If the rent was fixed 5 or 10 years ago, it is open to the court to enhance the rent. The court can take judicial notice of the increase in the value of properties since the time the original rent was fixed and also of the importance of the locality where the particular property is situated. If the value of properties round about has increased out of all proportion, in such cases the landlords need not fear that

they will not get a reasonable increase from their tenants.

Once the fair rent is fixed, clause 8 makes it obligatory that there shall be no revision for a period of 5 years. This provision is there in the Madras Act also. This is introduced to give some sort of security to the tenant for a period of 5 years at least. You cannot go on revising the rent from time to time. So a period of 5 years is considered as a reasonable period for revision.

Coming to clause 9, there seems to be a doubt in the minds of some hon'ble members as to what exactly is the explanation of the word "land". I would like to explain that land in this Bill would mean the interest of the landlord in the land which he can convey to any person and also includes his interest as a trustee. There are a large number of trust properties belonging to religious and charitable trusts and muts like the Shankar Mut. That is why I have included here the interest of the landlord as trustee also. There are two conditions prescribed to entitle a tenant to make an application under clause 9. The first condition is that he must be entitled to compensation under clause 3. The second condition is that a suit for ejectment must be filed against him. The tenant's right to file a petition under clause 9 accrues to him only on his being served with a notice for ejectment. We know that in a majority of cases in the civil court substituted service is the order of the day. The notice is not served on the party personally. Some landlords might resort to this method of substituted service and get the tenant ejected. So I say that there must be regular service of the notice on the tenant.

Coming to clause 10, it is very clear and explicit. "No suit in ejectment shall be instituted against a tenant until after expiration of three months next after notice in writing has been given to him requiring him to surrender possession of the land and building and stating the amount thereof." There must be a reasonable time lag of at least 3 months. That is the time stipulated under the Madras Act also.

The entire scheme of the Bill, as the Preamble itself shows, is to afford protection to tenants who have constructed a building on another's land and not to put obstacles in the way of landlords enforcing their rights even where there are no rights of tenant to be protected. There are certain limitations in the operation of clause 10. Suppose X takes a land from a landlord and allows Y to construct a building thereon, in that case the original tenant can certainly have no claim. His claim to the superstructure cannot be put forward in the absence of any proof that it is his.

Sri T. SUBRAMANYA.—What happens if the Municipality is the owner?

Sri J. B. MALLARADHYA.—They will seek the protection of the Government and ask Government to acquire the land. That is why I have not brought in Municipality or Government in the picture in this Bill. This applies only to private lands.

Sri T. SUBRAMANYA.—You want the tenant's right for the superstructure to be protected even if it comes in the way of the proper development of the planning of the city.

Sri J. B. MALLARADHYA.—I do not want to come in the way of their acquiring the land and the buildings if they have got a development plan and if they want to clear the slums, but they should see that the tenant's rights are protected. Suppose you acquire a land where 10 people have put up buildings. What do you do when you acquire the land? You have to give compensation for all the buildings. Take the case of the Himalaya Talkies. There is a High Court order that it should be pulled down, but to our disgrace we find that it is still flourishing.

9-00 A.M.

Sri T. SUBRAMANYA.—This is the second time that my Hon'ble friend refers to the Himalaya Talkies. That is ancient history for which I am not responsible and for which probably my friend himself may be responsible to some extent.

Sri J. B. MALLARADHYA.—I was responsible as Revenue Secretary to see that the order was executed. We asked the Corporation to take action. What about the number of buildings that have been erected? Suppose you reject a man on the mere fortuitous ground that he did not take permission and that it is an unauthorised structure, then it will be a great hardship on him. You should not ruin the rights of the poor ryots.

Sri T. SUBRAMANYA.—The law must come with clean hands. For a wrong doer you want to give protection.

Sri J. B. MALLARADHYA.—If the original intention was moral, I do not think his coming to the court will be tainted at all at a subsequent stage. In the beginning his presumption was that so long as he paid a fair reasonable ground rent he would be allowed to continue and put up the structure. At the time he wanted to put up a super-structure on the land I do not think we can make the allegation that his intention was immoral or that his attitude was one of taint.

I do not think any other sections in the Bill would require any amplification from me. If in the course of the discussion any points are raised, I shall answer them.

With these few words I request the Hon'ble House to consider this Bill and give its approval to the several provisions.

* **Sri M. C. NARASIMHAN** (Kolar Gold Fields).—Sir, the Bill moved by my friend Sri Mallaradhyia is based on the 1921 Act of Madras and it is intended to give protection to some class of tenants. So far as the recital of the object is concerned, perhaps we can have no objection but I would expect my friend to state as to how far this particular mischief which this legislation is intended to suppress is really widespread. I do not know whether it is such a big menace so far as Bangalore City is concerned. In Madras there was an Act since 1921 and if such a legislation has not come up so far in Bangalore, perhaps it was considered by the Government all these years that there was no such difficulty experienced either by landlords or

tenants. Perhaps the cases which this Bill seeks to cover may be very few in number but I am not suggesting that because it may be few in number or of limited application that such a Bill should be ruled out. As I said earlier, the object is no doubt very good but I would like to raise a few points for consideration which are intended to improve the Bill. If the Government is really keen on accepting the principle behind this Bill, they can incorporate some of the suggestions.

My first difficulty in respect of this Bill is that it may conflict with certain provisions of the Mysore Rent Control Bill and also the Slum Clearance Act which we have made, because, as pointed out by the Law Minister, the definition clause does not take out of purview lands belonging to Government or Corporation or other local bodies. Sri Mallaradhyia contended that it was possible for the Government to bring in an ordinance for the Government to exercise its special powers and see that that difficulty did not arise. With due respect to him I might say that that will not be correct. After all, this Bill is being passed and if it is going to become law, definitely anybody would be entitled to enforce his rights even against the lands owned by Government or the Corporation. What prevents them from enforcing their rights conceded in this Bill? This being a matter in which the rights can be enforced in a court of law, I do not see how they can suddenly bring in an ordinance or say that this right will not be available to persons occupying Government land or Corporation land. The principle behind this Bill being reasonable and since it is the simple principle of determination of fair rent in respect of lands leased to tenants that is involved in it, he should have clearly said that it would also apply to Government or Corporation land. Why should there be any hesitation in accepting this principle in relation to lands owned by Government or Corporation? In fact, that is the principle in the Bill and that is what is contemplated in the definition. So, I do not see why Government land and Corporation land should be exempted

from its operation. I know that an argument that will be advanced by the Local Self-Government Minister or by the Minister who would reply to this Bill is that it would come in the way of town planning or in the way of a well-ordered city coming into being or that it will lead to unauthorised structures coming into being and so on and so forth. My respectful submission is that nothing of that sort will happen. Supposing the Government or the Corporation feels that in any particular area unauthorised occupations are coming up or for that matter if they want to pull down a particular building which has come up on a particular land unauthorisedly, they can get out of it by paying compensation. If it is unauthorised occupation, they have already got ample powers under the Rent Control Act and the Slum Clearance Act.

Sri T. SUBRAMANYA.—Therefore, there is no necessity for this Bill when there is ample provision there.

Sri M. C. NARASIMHAN.—I believe that there are ample powers and town planning ought to be covered by separate legislation. As a matter of fact, this will not conflict with any of those powers. The tenants can only be under a contract of law, oral or otherwise. How does a person occupying Government or Corporation land get any benefit under this Bill?

But if you look to the definition, it does not say that it should be under a contract. The definition of a tenant unfortunately is not subject to any contract, though it should be there. I will come to that portion later, because it is a little defective.

So, if you take the general object into consideration, the argument advanced by the Hon'ble Law Minister.....

Sri T. SUBRAMANYA.—I have not advanced any argument, my friend.

Sri M. C. NARASIMHAN.—You have interjected to that effect. That argument does not really appeal to me. The first difficulty is as to why it should apply to the Corporation.

Sri T. SUBRAMANYA.—It is rather difficult for you to understand.

Sri M. C. NARASIMHAN.—Why?

Sri T. SUBRAMANYA.—Because it does not appeal to you.

Sri M. C. NARASIMHAN.—It does not appeal to any rational person, because if the Corporation has allowed its land to be occupied by some person, if it has allowed some person to construct his building on its land, if it wants to eject him from that place, why should it not pay compensation? Does this Bill provide for expropriation? If you are not prepared to pay compensation, there is a remedy prescribed here, you can eject him easily. I do not see any reason why I say that argument should be taken. That is why I say that argument does not appeal to me. I am not opposed to it on any other ground.

A difficulty arises like this and that is what my friend Sri Mallaradhya must clarify. I am one with him when he says that whether the landlord is the Government or the Corporation, this Bill must apply.

There is another difficulty. There is the Mysore House Rent Control Bill. You will remember that the Mysore Rent Control Bill provides exemption in respect of certain classes of tenants.

Sri J. B. MALLARADHYA.—Do you refer to the House Rent Control Accommodation Bill of 1959 or the Act of 1943?

Sri M. C. NARASIMHAN.—I refer to the Bill of 1959. It is still a Bill.

Sri J. B. MALLARADHYA.—It is only about house rent.

Sri M. C. NARASIMHAN.—So far as the clauses are concerned, Sir, I heard with great care the arguments advanced by Sri Mallaradhya. I think that the definition of both Landlord and Tenant should be a little more comprehensive, just as is provided in the Madras Act. Sir, you will see that the words "landlord" and "tenant" are defined in a more comprehensive manner in the Mysore Rent Control Bill. But of course, the purpose is different. I do realise that. But even so far as the definition of "landlord" and "tenant" is concerned, I do not see any reason

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why there should not be such a comprehensive definition. For example, in the Rent Control Bill, it is provided :

“Landlord means any person who is, for the time being, receiving or entitled to receive, rent in respect of any building whether on his own account or on account, or on behalf, or for the benefit of any other person, or as a trustee, guardian or receiver for any other person.....”

Here the assumption is that he must directly own the land. Supposing he owns the land as a trustee. What happens?

Sri J. B. MALLARADHYA.—It is also provided for “Whether on his own or on behalf of others.....”

Sri M. C. NARASIMHAN.—Then it is all right. Even then, I am afraid that it is not as comprehensive as what is provided for in other definitions.

Sir, the next point is that there is no reference to any particular court. It is customary to adequately clarify matters.

Sri J. B. MALLARADHYA.—It means the competent jurisdictional court.

Sri M. C. NARASIMHAN.—That is what should be defined. You will remember that the Madras Act definitely prescribes to which court it has reference, whereas here, there is no definition of the word “court”. To which court does it refer to, I do not know. Would it refer to the House Rent Control court or would it be some other court? Because so many authorities are prescribed in various other legislations. It is necessary to clarify as to which court it refers to.

There is another difficulty, Sir. Under sections 6 and 7 the determination of fair rent is prescribed. But there is no appellate authority. There is no appeal provision made here. You will remember that it is customary and I believe that it is necessary that we should provide for an appellate authority or give such a right of appeal for the parties in dispute. It is almost taken for granted. In this Bill, it

does not provide for it. I do not know why. Is it because, that the Madras Act of 1921 does not provide for it? But I believe that it is not the correct thing to do. It would be necessary to provide for an appellate procedure.

The third difficulty in this. Coming to clause 5, it is said :

“(b) In determining such value, the court may take into consideration, the estimated cost of erecting a similar building, the amount to be allowed for depreciation and the amount spent on repairs.”

Whether it is the cost of erecting a similar building on the date of application, it is not clear, whether it is the date on which the building came into existence, or whether it is the date on which the application is filed, is a matter which ought to be taken into consideration.

Sri J. B. MALLARADHYA.—I have already clarified it by saying that it is the market value at the time when compensation is given.

Sri M. C. NARASIMHAN.—I did not hear you. Whether this is a fair basis for determination of the compensation is the question which ought to be taken into account.

Of course, Sri Mallaradhyia has already suggested a few clerical errors. I do not wish to go further into it.

With these words, and saying that the Government should accept the Bill in principle and make suitable provisions for certain difficulties which I have just tried to point out, I will conclude my speech. That the Government must accept the Bill is my submission, Sir.

*Sri V. SRINIVAS SHETTY (Coondapur).—Sir, I wish to offer a few remarks in general.

This is a very necessary piece of legislation. Lawyers know that when a tenant effects improvements, in a suit arising under the Transfer of Property Act, the landlord actually consenting to such improvements, the tenant is entitled to compensation for such improvements in a suit for eviction. We in South Kanara—not only in South Kanara, but also in the erstwhile

Madras State—had the Tenants Improvement Act in Malabar and it is a customary law in my district where an agriculturist effects an improvement in his holding, he is entitled to compensation.

It is a long accepted principle of law that if a tenant effects improvement and the landlord acquiesces in the improvement, when he wants to get possession of the land, the landlord has to pay compensation for the improvements effected by the tenant. That is only with regard to agricultural properties. But when we come to other properties other than agricultural, property, such a healthy principle does not apply at all. Very many hard cases have come to the notice of the lawyers. There are instances where tenants have been in possession of buildings for any number of years and when for one reason or other, the tenant is to surrender property, he has to surrender it without getting a single pie.

Sri KADIDAL MANJAPPA.—Is it not possible to get under the Transfer of Property Act?

Sri V. SRINIVAS SHETTY.—No unless the landlord specifically agrees, the tenant is helpless and he cannot go on improving the property under the Transfer of Property Act. That lacuna is rectified in this Bill.

Sri KADIDAL MANJAPPA.—That means, it applies to structures built without the permission of the landlord.

Sri V. SRINIVAS SHETTY.—Even without a contract.

Sri KADIDAL MANJAPPA.—Then Sri Narasimhan is right. It refers to unauthorised occupation of Government land and municipal land.

Sri V. SRINIVAS SHETTY.—Personally, I do not think it refers to persons who unauthorisedly occupy land. I personally see he cannot be a tenant either. But in the case of a person who has occupied the land with the consent of the landlord, the landlord is bound to pay some compensation. How does a person who unauthorisedly occupies land of a Government or a private person become a tenant, I do not know unless the landlord acquiesces in or agrees to

the arrangement and receives some payment. So, this lacuna is sought to be rectified under this Bill. I wish my friend Sri Mallaradhya had made it more comprehensive. He is partial to Bangalore alone. There are district headquarters, and very many townships where similar questions will arise. Hardships are not common to Bangalore alone; it is common to the whole State so that I request the Government to see whether they could not extend it to other areas, if they were to accept this Bill. It is our experience,—I do not wish to use a strong language—that the Government are selfish and narrow-minded and any good suggestion coming from this side is not acceptable to them, generally speaking. That is our unhappy experience. This is a good piece of legislation. I request the Government to impartially look into the whole thing and apply their judicious mind and see whether there is any good in it, and if there is any good in it accept that principle and see if they cannot make it more comprehensive. I do not think it will apply to the Corporation property or Government property. It will not all come in the way of developmental work. I do not think Sri Mallaradhya himself means such a thing either. The main intention of the Bill is where a tenant is hard-hit, when he has effected some improvements to a property, and when the possession of that property is to be taken by the landlord, the tenant must be given compensation for such improvement. If the improvement is not effected with the consent or acquiescence of the landlord, he could have taken action immediately; but when he has acquiesced in the improvement of the structure and received rents, there is no reason why he should refuse to pay compensation to the tenant when the property comes to his hands. That is a healthy principle accepted by one and all. I am told that in Madras and in some other States, such an enactment prevails and it is only a copy of such an enactment. If the Government by any means refuses to accept this principle, I should only say they do that out of spite to us. I expect the Government to accept this piece of

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legislation and make it more comprehensive if there is any good in it and if they think it necessary, they may refer it to a Select Committee and pass it as early as possible.

Sri M. RAMAPPA (Harihar).—I do not propose to make any speech. I would like to clear an apprehension in the mind of the Hon'ble Revenue Minister that it may apply to cases where some persons might have built houses or put up a shed unauthorisedly on the Government land. Sir, I would like to say both the definition of "landlord" and also the definition of "tenant" make it very clear that it applies to cases where there is a contract and not necessarily a written contract but an implied contract and there is a definite relationship of landlord and tenant. From the definition of landlord, it can be seen :

"Landlord means any person owning any land on which some other person has constructed a building and includes every person entitled to collect the rent on the whole....."

I would like to emphasise the phrase "entitled to collect the rent." Also the definition of "tenant" reads :

"Tenant means tenant of land on which he has constructed a building and is liable to pay rent on the land..."

So this applies to cases where there is an implied contract between the landlord and the tenant and to cases where the landlord is entitled to receive rent and the cases where the tenant is liable to pay rent to the landlord. So, it does not apply to cases where some persons have built houses on the Government land or municipal land unauthorisedly. There is no question of relationship between the landlord and the tenant. It cannot be said in cases of unauthorised construction that there is relationship of landlord and tenant. There is no question of tenancy at all in such cases. It is purely unauthorised construction and in such cases, the landlord is not entitled to receive

rent and the tenant is not liable to pay rent. So, I would like to clear that doubt in the mind of the Hon'ble Revenue Minister that it does not apply to cases of unauthorised construction where there is no understanding, implied or contract. It is a most non-controversial Bill and it is an Act which has been in vogue in Madras and also Bombay. It is very necessary in the interest of justice that the Government should accept this Bill.

Sri KADIDAL MANJAPPA.—Mr. Speaker, Sir, I am sorry I was not well prepared to meet the altered or changed technique of my friends on the other side. They have said that they would absent themselves from the House during the hours when non-official business was transacted.

Sri M. C. NARASIMHAN.—By way of clarification, I would like you to look into the record and get the position clarified. The Leader of the Opposition, when he made the statement last time, never suggested that we would be walking out in respect of even Bills. It was never the intention and that was made clear. It was not at all stated that hereafter we would never participate in any non-official business. The non-official business has got to be distinguished.

Sri KADIDAL MANJAPPA.—I did not object to their remaining in the House.

Sri C. J. MUCKANNAPPA (Gubbi).—The Revenue Minister has cultivated a very bad habit. Even he is trying to rub the members on the wrong side. Let him reply to the debate.

9-30 A.M.

Sri KADIDAL MANJAPPA.—I only state that I was not prepared to meet the altered technique. I do not object to their remaining in the House. I would welcome them. That apart, my friend Sri J. B. Mallaradhya was pleased to say that there was a flood of legislation in the country. I do not know why he is adding to the plethora by seeking to include this measure into law. I anticipated that some members on the other side would be making

a charge against the Government that they are not prepared to accept certain proposals or measures because they have been moved by the opposition members. Therefore, I have examined the provisions of the Bill with an open mind and an impartial outlook. I must humbly submit that I have got great regard and admiration for the abilities of Sri J. B. Mallaradhya. But, I must point out that the Bill is defective in several respects. The provisions of this Bill conflict with the provisions of the Rent Control Enactments and the provisions contained in the Rent Control Bill which is before the Select Committee and also the Mysore Slum Clearance Bill. In Bangalore the unauthorised structures present not only an ugly picture but present a difficult problem. People not belonging to Bangalore City or Mysore State have come to Bangalore—I do object to their coming in—and occupied Government lands in some cases, in some other cases municipal lands and private agricultural lands and without anybody's permission put up structures. Mysore, which was considered to be a model State in India, contains a number of slums. I was telling the House that there were agricultural lands occupied unauthorisedly or with the consent of the owners of those lands. There are certain lands belonging to the Corporation occupied without the permission of the municipality. Therefore, it is not easy to tackle this problem by means of this measure. When an agricultural land is sought to be converted into non-agricultural land, there are certain formalities prescribed. Supposing an owner of an agricultural land wants to construct a dwelling house on his land, he must apply the competent authorities for alienating his land for non-agricultural purposes. In Bangalore City there are agricultural lands on which houses have come without anybody's permission, without paying conversion fee, without getting the land converted and without obtaining licence either from the Trust Board or Corporation authorities. My friend no doubt with a good intention has brought this measure with a view to help the tenant; but indirectly without any

intention in this behalf, he is trying to help the landlords. Supposing a landlord has constructed a house on his land without paying the conversion fee, and he is not in a position to regularise the structure, he will be helped on account of this measure.

ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯಾ.—ದುದ್ದನ್ನು ಅವನು ಕೊಟ್ಟು ಆಗ Conversion fees ಕೊಡದೆ ತೆಗೆದು ಕೊಳ್ಳಬೇಕಾದರೆ, ಅದರಿಂದ ರೆಗ್ಯುಲರೈಸು ಮಾಡುವುದಕ್ಕೆ ಹೇಗೆ ಆಗುತ್ತದೆ ?

Sri KADIDAL MANJAPPA.—Once it is regularised it is difficult to deal with the question. In many cases they will not have permission or licence from the Corporation authorities. Is it not the intention that all those structures should be regularised ?

With regard to the need for protecting the tenants, there cannot be any difference of opinion. I entirely agree with the spirit with which this measure has been introduced by the Hon'ble Member. But it is very difficult to accept the Bill. We can think of safeguarding the interest of genuine tenants when we deal with the Rent Control Bill which is at present before the Joint Select Committee. Further, as pointed out by my friend Sri M. C. Narasimhan, some of the provisions are defective and if the House adopts this measure as it is, I think there will be some amount of chaos. Sri N. Ramappa and Sri J. B. Mallaradhya tried to point out that it applied only to lands on which tenants had built houses under a contract or an implied contract. But do the definition "landlord" and "tenant" convey that meaning? I would like to draw the attention of the Hon'ble Member to the Chapter of the Transfer of Property Act which deals with leases. The term "lease" is defined in the Transfer of Property Act. The Transfer of Property Act incorporates a certain provision which deals with the contingency of this type. My friend Sri V. Srinivasa Shetty was pleased to say that the Transfer of Property Act was not adequate to safeguard the interests of tenants.

Sri V. SRINIVAS SHETTY.—In urban areas.

Sri KADIDAL MANJAPPA.—Urban areas are not exempted from the operation of the Transfer of Property Act.

Sri V. SRINIVAS SHETTY.—What I said was that the tenant could not say that he was entitled to compensation and the landlord was not bound to pay compensation. When a tenant puts up some structure he can remove it without damaging the land but not claim any compensation.

Sri KADIDAL MANJAPPA.—To sum up, first, the Bill does not cover only the cases of those types which come under the category of tenants and landlords. It applies to unauthorised occupants also and unauthorised structures.

Sri V. SRINIVAS SHETTY.—How does it apply to unauthorised occupants?

Sri KADIDAL MANJAPPA.—I have been a lawyer for more than 15 years.

Sri V. SRINIVAS SHETTY.—How does a person who is in unauthorised occupation get compensation?

Sri KADIDAL MANJAPPA.—My friend is pre-occupied in politics and therefore he has not bestowed sufficient attention to the definition. What is the definition of leases contained in the Transfer of Property Act? Will you kindly look into the matter and tell me later whether the definition applies to the tenant and the landlord relationship contained in this Bill?

Sri V. SRINIVAS SHETTY.—It is a special law. There is a definition of tenant in this Bill. When the Bill is self-contained and defines what it enacts, how does the Transfer of Property Act come in?

Sri KADIDAL MANJAPPA.—Through unauthorised occupation and unauthorised construction. For that reason, Government is not prepared to accept this Bill.

Sri M. RAMAPPA.—Let me know how, in unauthorised cases, the landlord is entitled to rent and how a tenant is liable to pay

Sri KADIDAL MANJAPPA.—It is needless for me to tell my Hon'ble friend, who is an able lawyer, that in cases of unauthorised occupation, the owner of the land is entitled to damages. Sri Srinivasa Shetty says that it covers

the cases of unauthorised occupation and unauthorised construction, while my friend Sri Ramappa says that it applies to tenants under agreement.

Sri V. SRINIVAS SHETTY.—I never said that it applied to unauthorised constructions.

Sri KADIDAL MANJAPPA.—There is some confusion on that side.

Sri G. VENKATAI GOWDA.—As the Hon'ble Minister says, the landlord is entitled to get damages for occupation. But what is the remedy available for tenant?

Sri KADIDAL MANJAPPA.—Under the Transfer of Property Act and under the House Rent and Accommodation Control Act, the tenant is entitled to certain privileges and protection.

Sri G. VENKATAI GOWDA (Palaiyam).—Provided the construction is authorised.

Sri KADIDAL MANJAPPA.—I do not think it is the intention of the Hon'ble Members on the other side to make illegal acts legal later on. My friend who is a clever legislator has made it abundantly very clear in section 11 that it will have effect up to a certain period. Hon'ble Members may see the provision contained in section 11:

“Nothing in any contract made by a tenant shall take away or limit his rights under this Act provided that nothing herein contained shall affect any contract between the parties after the date when this Act comes into force.”

So it will have the effect of regularising the unauthorised constructions and unauthorised conversions and unauthorised acts of some parties. Indirectly, I must once again repeat, this enactment is going to help landlords who have connived or helped in the construction of unauthorised constructions.

Sri C. J. MUCKANNAPPA.—What is your apprehension in accepting this Bill?

Sri KADIDAL MANJAPPA.—I once again say that while dealing with the

Rent Control Bill we can take into account some of the suggestions made by my friend Sri Mallaradhyā. In the definitions, I would like to draw the attention of the Hon'ble Members to section 3 of the House Rent Control Accommodation Bill.

AN HON'BLE MEMBER.—Compensation question.

SRI KADIDAL MANJAPPA.—We can, if the House agrees. "Building means, any building or hut or part of a building or hut, let or to be let, separately for residential or non-residential purposes and including garden, grounds and out-houses, if any."

With these few words, I oppose the Bill, and I very reluctantly oppose it.

†SRI J. B. MALLARADHYA.—Sir, it does not come to me as a surprise at all. I am grateful to the Hon'ble Members who have supported and the Hon'ble Minister for Revenue who has come to the House without adequate preparation for the consideration of the Bill. He was himself taken by surprise that there was a change of attitude. Probably he thought we would not press. He had no time to consider the Bill in all its aspects. The whole point is—I would confine my attention to the Hon'ble Minister's observations—if all the arguments so ably put forward by the Hon'ble Revenue Minister has got to be accepted, it means bankruptcy of talents in the adjoining States which have accepted this measure for more than 25 to 30 years.

SRI KADIDAL MANJAPPA.—It is old.

SRI J. B. MALLARADHYA.—The latest amendment to the Madras Act is in November 1955. They do not know the existence of the Transfer of Property Act; they do not know the existence of the Rent Control Act; they do not know the existence of the Slum Clearance Act! There is a pernicious tendency on the part of the Government to think that whatever the Opposition says is nonsense and whatever the Treasury Benches say is the Veda. This is the whole point. It

is not a question of prestige. The Bill is piloted in the interests of a large majority of tenants whose interests have got to be protected. There is no other legislative enactment calculated to secure the benefit to the tenants. If the Hon'ble Revenue Minister tells me under what legal enactment the category of cases I have mentioned gets protected, I shall withdraw this Bill. Sir, he referred to the case of Bangalore in particular and that Bangalore is a growing city. It is for the same reason that I wanted this measure to be brought in and the problem is getting acute.

SRI KADIDAL MANJAPPA.—To continue the slums?

SRI J. B. MALLARADHYA.—This sounds superfluous. I am sorry. Nobody—rather I am as keen as the Treasury Benches to see that Bangalore is really what it ought to be, a model city. I am one of those who contributed, as a member of the Committee constituted for drawing a master plan for Bangalore. The Hon'ble Revenue Minister should know that I have contributed a great deal to the establishment of that committee presided over by Sri Madhava Rau.

SRI KADIDAL MANJAPPA.—I never questioned the highly developed aesthetic sense of my Hon'ble friend.

(Interruption.)

SRI J. B. MALLARADHYA.—Sir, I anticipated the attitude of the Government. That was why I said in my preliminary remarks—let this Bill be considered in an atmosphere of goodwill and in a spirit of understanding. The whole point is—merely because there is a Bill before the House and that it conflicts with the Bill proposed to be introduced—is that a good reason?

SRI KADIDAL MANJAPPA.—It has already been introduced and considered.

SRI J. B. MALLARADHYA.—I want the Hon'ble Revenue Minister to tell me today, how the tenants who are contemplated in this Bill are going to be protected and under what provisions of law and then I will withdraw it.

Sri KADIDAL MANJAPPA.—Sir, the provisions of the Transfer of Property Act and the provisions incorporated in the Rent Control Bill are adequate to help the tenants who will be legally occupying the building. I am clear that they do not help the unauthorised occupants.

Sri J. B. MALLARADHYA.—Sir, this unauthorised occupation seems to obsess the mind of the Revenue Minister. I do not contemplate it at all. Whenever there is unauthorised occupation, this relationship of land-lord and tenants does not exist at all.

Sri T. SUBRAMANYA.—You read the definition.

Sri J. B. MALLARADHYA.—I have said “Tenant means tenant of land on which he has constructed a building and liable to pay rent on the land.”

Sri T. SUBRAMANYA.—If you take up a land and put up unauthorised construction, you are entitled to compensation.

Sri J. B. MALLARADHYA.—In the preamble, I have said: “to give protection to tenants who in many parts of the City of Bangalore have constructed buildings on others’ lands in the hope that they would not be evicted ...”. So, let the context of the Bill not be misinterpreted. In the adjoining territory such protection is given. Only in Mysore it is opposed. So far as the Transfer of Property Act is concerned, the Revenue Minister said that he can remove the structure. Sir, is this very practicable? Supposing, a man puts up a building worth Rs. 20,000. It is open to the man who has unauthorisedly constructed to remove the materials of the building. But, do you know the difference in the cost of putting up a structure and removing the material? You please read the Statement of Objects and Reasons. I will read the relevant portion: ‘The tenants, if they are evicted can at the best, only remove the superstructures which can only be done by pulling down the buildings.’ I have anticipated cases of that kind and this is to give relief to a man who has constructed the building. He suggested that there might be immoral collusion between the land-lord and the

tenant and that this was intended to benefit the land-lord. I am afraid, it is a very uncharitable remark.

ಶ್ರೀ ಎಂ. ಸಿ. ನರಸಿಂಹ.—ಇದರ ಫಲಿತಾಂಶ ವೇನೆಂಬುದು ಗೊತ್ತಾದ ಮೇಲೆ ಏಕೆ ಮಾನ್ಯ ಸದಸ್ಯರು ಇದನ್ನೆಲ್ಲ ಹೇಳುತ್ತಿದ್ದಾರೋ ಗೊತ್ತಿಲ್ಲ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಇದು ಆರಣ್ಯ ರೋದನವಾಗಲಿ, ನಾವು ಮಾಡುವುದನ್ನು ಮಾದೋಣ.

ಶ್ರೀ ಬಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಆದ ಹಾಗಾಗಲಿ—ಮಹದೇಶ್ವರನ ಜಾತ್ರೆ “ಊದುವ ಶಂಬ ಊದಿ ಬಿಡಿ!”

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ನಿತ್ಯಲಭ್ಯತೆಯಿಂದ ಆ ಮಹದೇಶ್ವರನ ಧ್ಯಾನ ಮಾಡಿದರೆ ವರ ಪಾದರೂ ನಿಕ್ಕೇ ನಿಕ್ಕುತ್ತದೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸರ್ಕಾರ ದವರು ಹಾಗೆ ಹೇಳುವುದಾದರೆ ಆಗ ನಾವೂ ಸಹ ಸರ್ಕಾರದವರಿಗೆ “ನೀವೂ ಊದೋ ಶಂಬ ಊದಿ—ಮಾದೇನಹಳ್ಳಿ ಮಾರಮ್ಮನ ಜಾತ್ರೆ ಆದಹಾಗೆ ಆಗಲಿ” ಎಂದು ಹೇಳುತ್ತೇವೆ, ಅಷ್ಟೇತಾನೆ?

Sri J. B. MALLARADHYA.—After all, our sense of duty makes us not to keep quiet. It is a question of doing some good to the poor tenants. This is in the interest of thousands of tenants residing in Bangalore City. The Revenue Minister suggested that this was intended to help the land-lords. It is far from my intention.

Sri KADIDAL MANJAPPA.—I did not question his intention, Sir, but the effect is there. A man who had not paid the conversion fee and who has not got his land converted, and allows a person to build houses on his land, will get these constructions regularised on account of this measure.

Sri J. B. MALLARADHYA.—Sir, the Minister for Revenue talked about the conversion of agricultural land into non-agricultural purpose and unauthorised construction. This is a very sad commentary on the administration of both the Corporation and the Government. They have allowed thousands of acres of land situated within the limits of the City of Bangalore without taking any action. My point is this: granting that agricultural land situated within the limits of the Municipality is converted into non-agricultural and supposing the conversion fee is due, how is this Bill coming in the way of the Government collecting their legitimate fee? What is the use of putting forward that

excuse? Supposing a particular land is required for the development of Bangalore City, what prevents them from acquiring it after payment? The whole purpose of this Bill is to secure some protection to the tenants, who, with *bona fide* intention put up a structure and the land-lord also agrees with the arrangement. I want to know which provision of the law in the State gives protection to such tenants. Sir, I do not wish to discuss any more because there are no more points which the Revenue Minister has advanced. They have been saying that they will introduce uniform legislation both in the integrated areas and old Mysore. Is this not a piece of legislation which was in the Madras State? Why is it that they say, this is not applicable to larger Mysore? That point is not answered.

Mr. SPEAKER.—Do you want still more time?

Sri J. B. MALLARADHYA.—I would require about ten minutes more, Sir.

Mr. SPEAKER.—The House now rises and will meet after half-an-hour.

— — —

The House adjourned for recess at Ten of the Clock and re-assembled at Thirty-Five Minutes past Ten of the Clock.

— — —

[Mr. SPEAKER in the Chair.]

Sri J. B. MALLARADHYA.—Mr. Speaker, Sir, I will not take much of the time of the House. I only want to invite the attention of the Hon'ble Minister for Revenue to section 108 of the Transfer of Property Act, particularly sub-section (h) and sub-section (p). Sub-section (h) reads:

“The lessee may even after the determination of the lease remove at any time what he is in possession of whilst he is in possession of the property leased but not afterwards, all things attached to the earth, provided he leaves the

property in the state in which he receives under sub-section (p).”

I want him to read them in conjunction with (b) which is very important.

“He must not without the lessor's consent erect on the property any permanent structure except for agricultural purposes.”

So the Transfer of Property Act hardly gives any relief to the tenants, which is contemplated under this provision.

Sri KADIDAL MANJAPPA.—Therefore my contention is that my friend seeks to make certain illegal transactions legal.

Sri J. B. MALLARADHYA.—I am sorry, the Minister for Revenue is taking up a very impossible and difficult position. These Bills which are now in operation for a period of 35 years at least in Malabar, in South Kanara, in Madras—it is a pity I have not been able to get copies of them; I have been making frantic efforts for the last 3 or 4 days to get Fort St. George Gazette and all that. The efficiency of the Secretariat is so much that even in respect of books that are available, they are not able to give them to me. I wish I had placed all the data before you. We are not striking a new path; Other States are doing it. When such an amount of case law has developed round this particular enactment.....

Sri KADIDAL MANJAPPA.—In Madras that law was enacted to meet a particular contingency at a time when there was no idea of slum clearance and all those things and it was almost a dead letter. Section 11 of the Bill makes it clear that even in Madras the law was intended to meet a certain contingency during a particular period and it was a dead letter subsequent to that period.

Sri J. B. MALLARADHYA.—I am sorry, the Law Minister is not fully apprised of the facts of the case. To-day it is a very live Act which is functioning and if the Revenue Minister will kindly see the amount of case law that has developed round this

(SRI J. B. MALLARADHYA)

particular enactment, the number of appeals that have gone before the High Court and if he sees the law journals and the High Court decision based on that Act.....

Sri KADIDAL MANJAPPA.—May I request you to read from the Madras Enactment the provision similar to section 11 of the Bill?

Sri J. B. MALLARADHYA.—You want me to read the section corresponding to section 11 of the proposed Bill; it corresponds to section 12 of the Madras Act of 1922 amended by 1926 and as further amended by 1955.

“Nothing in any contract made by a tenant shall take away or limit his rights under this Act provided that nothing therein contained shall affect any stipulation made by the tenant in writing and registered, as to the erection of a building in so far as they relate to buildings erected after the date of the contract.”

So what I have added is not out of my imagination. Clause 11 is based on the Madars Act which is still in force.

The Leader of the Opposition stated that I was partial to Bangalore. In a way it is true. My partiality for Mysore and Bangalore Cities has been there for the last 40 years. I want to restrict the operation of this Bill to Bangalore City. Let us see how it functions. Even in Madras it was only after 14 or 15 years that they extended the operation of the Act to various municipal towns. So let us watch the operation of this measure in Bangalore City for 5 years. Afterwards, the idea is to extend it to places like K.G.F., Davangere and Hubli. That is the object with which I did not extend the scope of this Bill to important towns and cities in the beginning.

Once again I wish to say that the existing provisions of no particular enactment are calculated to give relief to the tenants contemplated under this Bill. It is for this reason that I consider this Bill to be very urgently required. With these few words

I commend this Bill for the acceptance of the House.

I know from the temper of the Treasury Benches that it is not likely to meet with their approval. It is unfortunate that no substantial arguments have been put forward on behalf of the Treasury Benches except that it is likely to conflict with the Bill that is before the House.

Sri KADIDAL MANJAPPA.—Further the Bill seeks to legalise certain illegal acts.

Sri J. B. MALLARADHYA.—That is nowhere stated in the Bill either in writing or by implication. Unless the relationship between tenant and landlord exists, there is no other category of persons contemplated by this Bill. It is not my intention nor does this Bill seek to validate any illegal or unauthorised constructions. I do not know from where the Revenue Minister has got this apprehension. If there are any objectionable features in this Bill I am quite prepared to modify or withdraw them. Let the matter be referred to a Select Committee and let it be considered there. Let the Government themselves put all their legal talent and consider it. Instead of doing that, if they unceremoniously say that they oppose the Bill and it should not be passed into law, it only shows the diseased state of mind of the Government.

Sri C. J. MUCKANNAPPA.—What does the Chief Minister say about it?

Sri B. D. JATTI.—Nothing.

Sri C. J. MUCKKANNAPPA.—He disowned his colleague the other day.

Sri B. D. JATTI (Chief Minister).—Sir, Iseriously object to it. I have not disowned any of my colleagues. The Hon'ble member is unnecessarily making charges against the Government. I have not disowned any of my colleagues. It is not my intention and there will not be any occasion to disown any of my colleagues. Let the Hon'ble Member be sure about it.

MR. SPEAKER.—This is a sort of insinuation. It is very unfortunate that such insinuations are made.

After all, there is a limit to all these things.

Sri C. J. MUCKANNAPPA.—Have I exceeded my limits?

Mr. SPEAKER.—Yes. The question is:

“That the Bangalore City Tenants’ Protection Bill, 1959, be taken in to consideration.”

Sri J. B. MALLARADHYA.—I press for a division.

Mr. SPEAKER.—Those in favour will it stand in their seats.

(34 members on the Opposition side stood in their seats).

Mr. SPEAKER.—Those who are against it will stand in their seats.

(A large number of members from the Treasury Bench stood in their seats).

The motion was negatived.

Mr. SPEAKER.—The motion is negatived by a large majority.

Member's Representation

Sri G. E. HOOVER (Chikpet).—Sir, the Government promised to reply today regarding my request re: declaring a general holiday for Good Friday.

*Sri B. D. JATTI (Chief Minister).—Sir, generally it is the intention of all the State Governments and also of the Government of India to reduce the number of holidays. Whenever there are holidays concerning particular communities, it is better to allow the people of that particular community to remain absent by declaring that day as a partial holiday for the people of that particular community. In view of this, Government of Mysore have come to the conclusion that Good Friday should be declared as a partial holiday for Christians. Next year, we will consider whether the Government has declared a general holiday or not.

I tried to find this out today, but I could not get the correct information.

Sri G. E. HOOVER.—This is a lame excuse being given for the last two years by the Government. Without any disrespect to any religion I would like to bring to the notice of the Government that last year for Basava Jayanti members demanded a holiday but Government did not declare a holiday saying that it was not possible to do so, but this year it has been declared as a general holiday.

Sri B. D. JATTI.—It has not been declared as a general holiday. It is a partial holiday the same as other partial holidays.

Sri G. E. HOOVER.—If that is not a general holiday it is all right. But I have already explained that Good Friday is a general holiday for the Central Government. It is also a general holiday in Kerala and in Madras. I have been demanding this for the last two years. Government is still making enquiries in the matter. This is a very sorrowful thing. I have already explained the importance of this holiday for Christians. It is a day of mourning. The whole world observes this as a mourning day.

Mr. SPEAKER.—That is all conceded.

Sri G. E. HOOVER.—This lame excuse has been given for the last two years.

Mr. SPEAKER.—I have sufficiently heard what you want to say. What is the use of saying all that again when the Government says that it cannot give a general holiday?

Sri G. E. HOOVER.—I may tell the House that in 1955 when I requested the Government in this behalf, Sri Hanumanthaiah who was then the Chief Minister declared a general holiday.

Mr. SPEAKER.—Government have made up their mind not to give a general holiday and so I cannot help.

Sri M. C. NARASIMHAN.—The Chief Minister said that he wanted to ascertain what the Government of India thought in this matter. Does the Government mean to say that it does